

## Appendix D: Definitions and Terms

### Definitions and Terms Used in this Guidebook

**Consolidated Local Street and Highway Improvement Program (CHIPS)** - [CHIPS](#)<sup>1</sup> provides State funds to eligible municipalities to support the construction and repair of highways, bridges, highway-railroad crossings, and other facilities which are not on the State highway system. CHIPS funds may be used as the match on federally funded street or highway capital projects having a 10 year minimum service life.

**Federal Aid Share or Federal Share** - These terms refer to the amount of a project's cost that will be reimbursed by the Federal Highway Administration (FHWA) through the New York State Department of Transportation (NYSDOT) to the project Sponsor. Typically this share is up to 80% of the eligible costs. See Non-Federal Share description.

**Federal Highway Administration (FHWA)** - An agency within the United States Department of Transportation charged with administering federally-aided highway projects.

**Federal Requirements** - All projects must comply with applicable provisions in Title 23, such as entering into project agreements, authorization to proceed, prevailing wage rates (Davis-Bacon), Buy America, competitive bidding, and other federal requirements. The PLAFAP manual<sup>2</sup> describes the various processes and documentation required for local agencies to progress federally funded local transportation projects. All projects must be proposed, designed and constructed according to these standards. [The Highway Design Manual \(HDM\)](#) and [NYSDOT Standard Specifications](#) should be used as a reference tool for the required standards.

**Force Account** - A method of performing construction work using the Sponsor's employees and pre-purchased/delivered materials. Force Account work payments are based on the direct performance of construction work according to the actual cost of labor, equipment, and materials, with consideration for overhead and profit for consultants or contractors working for the Sponsor. Force Account work must be approved by NYSDOT through a Public Interest Finding.

**Local Design Services Agreement (LDSA)** - In each NYSDOT Region (excluding NYC and Long Island), the New York State County Highway Superintendents' Association ([NYSCHSA](#))<sup>3</sup> identified and selected a number of architectural and engineering consultants to provide services exclusively for locally administered federal aid transportation projects. This process resulted in the creation of the Local Design Services Agreements (LDSA).

**Maintenance and Operation** - A federally funded facility must be operated and maintained for its useful life. In the event that a federally funded facility does not perform as intended for its useful life, the Sponsor will be asked to pay back the prorated portion of project funds.

Generally, fees cannot be charged for access to projects or activities funded with federal monies. In those rare instances when a minimal fee may be charged, proceeds from the charge must not be excessive and, by agreement, are used solely for the maintenance and operation of the facility.

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<sup>1</sup> <https://www.dot.ny.gov/programs/chips?nd=nysdot>

<sup>2</sup> <https://www.dot.ny.gov/plafap>

<sup>3</sup> <http://www.countyhwys.org/>

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Sponsors may be required to prepare maintenance and operation plans for inclusion in appropriate project documents. A statement of maintenance obligation must be included in the resolution appended to the State-Local (Sponsor) Agreement.

**Metropolitan Planning Organization (MPO)** - An organization required by federal law to be designated for each urbanized area with a population of more than 50,000 people to carry out the metropolitan planning process as a condition of receiving Federal aid. New York State has 14 MPOs.

**Non-Federal Share (Match)** - Sponsors must provide a 20% match; this may occur through the Sponsor's own funding mechanisms. The local share is calculated as part of the whole project and not on an itemized basis.

**NYSDOT Highway Work Permit** - Any Sponsor who requests to enter NYSDOT right-of-way to perform work or other functions requires the completion and submission of a [Highway Work Permit](#)<sup>4</sup> application. Any project application proposing work on a State Highway must have prior approval from the NYSDOT Regional Director, and the use of NYS highway right-of-way must be carried out and completed in accordance with the terms and conditions of a highway work permit issued in accordance with the New York State Highway Law, Article 3; Section 52. This includes sidewalk installations and maintenance, and intersection improvements. The NYSDOT Regional Office is responsible for issuing Highway Work Permits for all work to be performed on state highway right of way.

**NYSDOT Oversight** - NYSDOT is responsible to the FHWA for the successful administration and implementation of federal-aid programs and projects, for which NYSDOT may delegate certain responsibilities to local public agencies (Sponsors). NYSDOT retains an oversight role when federally-aided projects are implemented by Sponsors. However, no comparable authority for National Environmental Policy Act (NEPA) or Section 106 (protection of historic properties) process/procedures has been granted to the Sponsors or their consultants providing services for NEPA or Section 106 compliance.<sup>5</sup> Additional information can be found in the [Procedures for Locally Administered Federal Aid Projects](#), Chapter 2 - Roles and Responsibilities, and Chapter 7 - Overview of Environmental Process.

**Procedures for Locally Administered Federal Aid Projects (PLAFAP)** - The Procedures for Locally Administered Federal Aid Projects ([PLAFAP](#)) manual is intended to assist non-NYSDOT transportation project sponsors (Sponsors) in New York State who seek federal funding through the FHWA, and to provide an overview of the processes, procedures, documentation, authorizations, approvals, and certifications required throughout the scoping, design, construction, and maintenance of these facilities.

**[Regional Local Project Liaison \(RLPL\)](#)** - Regional Office contact for Sponsors advancing federal and/or State aid transportation projects. The RLPL is responsible for ensuring that local projects receive adequate supervision and inspection such that they comply with all federal laws, rules and regulations.

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<sup>4</sup> <https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits>

<sup>5</sup> Sponsors should contact their RLPL. The RLPL will transmit submissions, questions and correspondence to the appropriate contact (Office of Environment or RCRC). The RCRC will make all necessary contacts with the State Historic Preservation Office and, if necessary, with the Tribal Historic Preservation Officer.

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**Reimbursement Program** - A program that provides funding only after all approvals have been received and after expenses have occurred. A Sponsor will pay expenses initially and seek reimbursement. The federal portion of the project's cost will be reimbursed by the FHWA through NYSDOT to the project Sponsor. Typically this share is up to 80% of the eligible costs. Both TAP and CMAQ are reimbursement programs.

**Sponsor** - A municipality, authority or state agency willing and able to assume responsibility for all aspects of an approved project. Sponsors must be able to provide up-front ("first instance") funding for the project. TAP and CMAQ are reimbursement programs, meaning grant funding is provided only after all federal approvals have been received and after expenses have occurred. A Sponsor will have to pay expenses initially and seek reimbursement. The Sponsor is also responsible for the execution of the State and Local Agreement (SLA) between NYSDOT and themselves. A Sponsor's ability to meet the scheduled required milestones for other Federal Aid transportation programs is considered during the review process. Those Sponsors whose projects are advancing in a timely manner are more likely to be successful in this process.

**State and Local Agreement (SLA)** - Contract between the State and project Sponsor which codifies the Sponsor's promise to deliver a project or perform project tasks in accordance with all applicable standards, procedures, rules, laws, etc., for which the State promises reimbursement. The SLA consists of the standard agreement, along with all supplemental agreements. These agreements are the means by which the State reimburses the Sponsor for all locally administered federal aid transportation projects.